

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RYAN MELVILLE,
on behalf of himself and all others similarly
situated,

Plaintiff,

v.

HOP ENERGY, LLC,

Defendant.

Civil Case No.: 21 Civ. 10406 (KMK) (VR)

MICHELLE MULLANEY and ROBERT
MULLANEY, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

HOP ENERGY, LLC,

Defendant.

Civil Case No.: 23 Civ. 7318 (KMK) (VR)

DECLARATION OF MATTHEW T. McLAUGHLIN

I, Matthew T. McLaughlin, Esq., make this declaration pursuant to 28 U.S.C. § 1746. I hereby state as follows:

1. I am a partner with the law firm of Nixon Peabody LLP. I respectfully submit this declaration in support of Defendant HOP Energy, LLC's ("HOP") Motion to Stay Actions Pending Approval of Settlement in First Filed Action. I am familiar with the facts and circumstances stated herein based on my personal knowledge.

2. Attached as Exhibit 1 hereto is a true and correct copy of the Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and Certification of Class For Settlement Purposes ("Callery Memorandum"), filed in the first-filed case, *Callery v. HOP Energy, LLC*, No. 20-Civ.-3652 (E.D.P.A.) ("Callery"), with exhibits.

3. A true and correct copy of the Settlement Agreement between HOP and the Plaintiffs in *Callery* is included as Exhibit 1 (Page 36 of 150) to the Declaration of M. Frances Ryan, which is attached as Exhibit A to the Callery Memorandum.

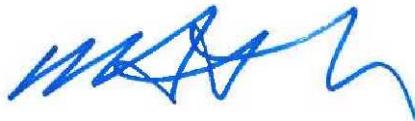
4. On December 7, 2023 HOP attended a global mediation with the parties in *Callery, Melville, and Mullaney* before the Honorable Diane Welsh (Ret.) of JAMS. Thereafter, the parties had extensive telephone negotiations with Judge Welsh to work on a potential resolution. *Id.*

5. Eventually, global settlement discussions broke down, Judge Welsh declared an impasse, and counsel for *Melville* and *Mullaney* confirmed to me their position that settlement talks were no longer ongoing.

6. Thereafter, counsel for *Callery* and HOP agreed to retain another mediator—as Judge Welsh was conflicted given her role as mediator in the global efforts—to preside over further settlement negotiations. On June 6, 2024, the parties attended a mediation before the Honorable James T. Giles (Ret.), in which the parties reached an agreement in principle that led to the Settlement.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 19, 2024



Matthew T. McLaughlin

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2024, a copy of the foregoing was served via electronic mail to counsel of record for Plaintiff.

/s/ Matthew T. McLaughlin
Matthew T. McLaughlin